



Reprinted
January 30, 2008

HOUSE BILL No. 1036

DIGEST OF HB 1036 (Updated January 29, 2008 4:54 pm - DI 97)

Citations Affected: IC 9-13; IC 9-25; IC 9-30; noncode.

Synopsis: Uninsured motorists. Specifies that a court must require certain persons to provide to the bureau of motor vehicles (bureau) proof of financial responsibility in relation to a moving traffic offense. Requires the bureau to establish a registry of previously uninsured motorists for random, periodic verification by the bureau of financial responsibility compliance. Requires the bureau to adopt rules. Makes a failure of a previously uninsured motorist to respond to a bureau request for verification prima facie evidence of a financial responsibility violation. Provides for removal of names from the registry. Makes technical changes with regard to the definition of "moving traffic offense".

Effective: Upon passage; July 1, 2008.

Ulmer, Fry, Ripley, Noe

January 8, 2008, read first time and referred to Committee on Insurance.
January 24, 2008, amended, reported — Do Pass.
January 29, 2008, read second time, amended, ordered engrossed.

C
o
p
y

HB 1036—LS 6073/DI 103+



Reprinted
January 30, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1036

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-110 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 110. "Moving traffic
3 offense" for purposes of IC 9-25-9-1 and IC 9-30-3-14, has the meaning
4 set forth in IC 9-30-3-14(a). means a violation of a statute, an
5 ordinance, or a rule relating to the operation or use of motor
6 vehicles while the motor vehicle is in motion.

7 SECTION 2. IC 9-25-5-1.5 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2008]: Sec. 1.5. (a) If a person is convicted of or has a judgment
10 entered against the person for a moving traffic offense in violation
11 of:

- 12 (1) IC 9-21-5;
- 13 (2) IC 9-21-6;
- 14 (3) IC 9-21-7;
- 15 (4) IC 9-21-8;
- 16 (5) IC 9-21-9;
- 17 (6) IC 9-21-10;

HB 1036—LS 6073/DI 103+



C
o
p
y

- 1 (7) IC 9-21-12;
 2 (8) IC 9-21-13; or
 3 (9) IC 9-21-14;

4 the court shall require the person to show proof to the bureau that
 5 financial responsibility was in force on the date of the violation in
 6 the same manner as required for an operator of a motor vehicle
 7 involved in an accident under IC 9-26-1.

8 (b) If a person fails to provide proof of financial responsibility
 9 as required by subsection (a), the court shall do the following:

10 (1) Suspend the person's current driving license or vehicle
 11 registration, or both.

12 (2) Order the person to surrender immediately the person's
 13 current driving license or vehicle registration to the court.

14 (c) A suspension under this section is subject to the same
 15 provisions concerning procedure for suspension, duration of
 16 suspension, and reinstatement applicable to other suspensions
 17 under this chapter.

18 SECTION 3. IC 9-25-10 IS ADDED TO THE INDIANA CODE AS
 19 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2008]:

21 **Chapter 10. Previously Uninsured Motorist Registry**

22 **Sec. 1.** As used in this chapter, "conviction" refers to a
 23 conviction for operating a motor vehicle without financial
 24 responsibility in violation of IC 9-25.

25 **Sec. 2.** As used in this chapter, "previously uninsured motorist"
 26 refers to a person:

27 (1) against whom a judgment is entered for; or

28 (2) who is convicted of;

29 operating a motor vehicle without financial responsibility in
 30 violation of IC 9-25 after December 31, 2009.

31 **Sec. 3.** As used in this chapter, "registry" refers to the electronic
 32 registry of previously uninsured motorist established under section
 33 4 of this chapter.

34 **Sec. 4.** The bureau shall, not later than January 1, 2010,
 35 establish an electronic registry of previously uninsured motorists
 36 to facilitate the random and periodic verification by the bureau of
 37 compliance with IC 9-25.

38 **Sec. 5.** The bureau shall adopt rules under IC 4-22-2 to
 39 implement this chapter. Rules adopted under this section must do
 40 the following:

41 (1) Establish the method of random selection of names of
 42 previously uninsured motorists from the registry.

**C
o
p
y**



(2) Establish the methods by which the bureau may request evidence of financial responsibility from a previously uninsured motorist whose name was randomly selected from the registry.

(3) Establish the methods by which a previously uninsured motorist may respond to the bureau's request for evidence of financial responsibility.

(4) Establish a schedule for the entry, updating, and timely removal of names on or from the registry.

Sec. 6. The failure by a previously uninsured motorist to respond to the bureau's request for verification of financial responsibility under this chapter constitutes prima facie evidence of operating a motor vehicle without financial responsibility in violation of IC 9-25.

Sec. 7. (a) The bureau shall remove the name of a previously uninsured motorist from the registry not more than five (5) years after the date on which the judgment or conviction for which the motorist's name is maintained on the registry was entered against the motorist.

(b) If a previously uninsured motorist is convicted of a second or subsequent offense under IC 9-25, the bureau shall remove the motorist's name from the registry not more than five (5) years after the date on which the second or subsequent conviction is entered.

SECTION 4. IC 9-30-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

- (1) been convicted of at least two (2) traffic misdemeanors;
- (2) had at least two (2) traffic judgments entered against the person; or
- (3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a defensive driving school program. The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under IC 9-24-11-3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program if either of the following occurs at least twice or if both of the following have occurred:

- (1) The individual has been convicted of a moving traffic offense,

C
o
p
y



(as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving license of any person who:

(1) fails to attend a defensive driving school program; or

(2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

SECTION 5. IC 9-30-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) As used in this section, "moving traffic offense" means a violation of a statute, an ordinance, or a rule relating to the operation or use of motor vehicles while the motor vehicle is in motion.

(b) If a court convicts a person for a moving traffic offense and the person is known or believed by the court not to be the owner of the motor vehicle, the court shall, within seven (7) days after entering the conviction, deposit with the United States Postal Service, first class postage prepaid, notice addressed to the owner of the motor vehicle giving the owner the following information:

(1) The name and address of the person convicted.

(2) The name and address of the owner of the motor vehicle.

(3) The offense upon which the conviction was made.

(4) The date of arrest of the person convicted and the location of the place of the offense.

(5) The license plate number of the motor vehicle.

(6) The operator's or chauffeur's license number of the person convicted.

(7) The date of the conviction and the name of the court making the conviction.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The bureau of motor vehicles shall, not later than June 30, 2008:

(1) amend a form used on April 1, 2008, by an operator of a motor vehicle to show proof of financial responsibility as required under IC 9-26-1; or

C
o
p
y



- 1 **(2) establish a new form;**
- 2 **for use by an operator of a motor vehicle to show proof of financial**
- 3 **responsibility as required under IC 9-25-5-1.5, as added by this act.**
- 4 **(b) This SECTION expires December 31, 2008.**
- 5 **SECTION 7. An emergency is declared for this act.**

**C
o
p
y**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1036, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 17, begin a new paragraph and insert:

"SECTION 2. IC 9-25-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 10. Previously Uninsured Motorist Registry

Sec. 1. As used in this chapter, "conviction" refers to a conviction for operating a motor vehicle without financial responsibility in violation of IC 9-25.

Sec. 2. As used in this chapter, "previously uninsured motorist" refers to a person:

- (1) against whom a judgment is entered for; or
- (2) who is convicted of;

operating a motor vehicle without financial responsibility in violation of IC 9-25 after June 30, 2008.

Sec. 3. As used in this chapter, "registry" refers to the electronic registry of previously uninsured motorist established under section 4 of this chapter.

Sec. 4. The bureau shall establish an electronic registry of previously uninsured motorists to facilitate the random and periodic verification by the bureau of compliance with IC 9-25.

Sec. 5. The bureau shall adopt rules under IC 4-22-2 to implement this chapter. Rules adopted under this section must do the following:

- (1) Establish the method of random selection of names of previously uninsured motorists from the registry.
- (2) Establish the methods by which the bureau may request evidence of financial responsibility from a previously uninsured motorist whose name was randomly selected from the registry.
- (3) Establish the methods by which a previously uninsured motorist may respond to the bureau's request for evidence of financial responsibility.
- (4) Establish a schedule for the entry, updating, and timely removal of names on or from the registry.

Sec. 6. The failure by a previously uninsured motorist to respond to the bureau's request for verification of financial responsibility under this chapter constitutes prima facie evidence

**C
O
P
Y**



of operating a motor vehicle without financial responsibility in violation of IC 9-25.

Sec. 7. (a) The bureau shall remove the name of a previously uninsured motorist from the registry not more than five (5) years after the date on which the conviction for which the motorist's name is maintained on the registry was entered against the motorist.

(b) If a previously uninsured motorist is convicted of a second or subsequent offense under IC 9-25, the bureau shall remove the motorist's name from the registry not more than five (5) years after the date on which the second or subsequent conviction is entered."

Delete page 2.

Page 3, delete lines 1 through 18.

Page 4, delete lines 32 through 42.

Delete page 5.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1036 as introduced.)

FRY, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1036 be amended to read as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 9-25-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.5. (a) If a person is convicted of or has a judgment entered against the person for a moving traffic offense in violation of:**

- (1) IC 9-21-5;**
- (2) IC 9-21-6;**
- (3) IC 9-21-7;**
- (4) IC 9-21-8;**
- (5) IC 9-21-9;**
- (6) IC 9-21-10;**
- (7) IC 9-21-12;**

HB 1036—LS 6073/DI 103+



C
o
p
y

(8) IC 9-21-13; or

(9) IC 9-21-14;

the court shall require the person to show proof to the bureau that financial responsibility was in force on the date of the violation in the same manner as required for an operator of a motor vehicle involved in an accident under IC 9-26-1.

(b) If a person fails to provide proof of financial responsibility as required by subsection (a), the court shall do the following:

(1) Suspend the person's current driving license or vehicle registration, or both.

(2) Order the person to surrender immediately the person's current driving license or vehicle registration to the court.

(c) A suspension under this section is subject to the same provisions concerning procedure for suspension, duration of suspension, and reinstatement applicable to other suspensions under this chapter."

Page 2, line 2, delete "June 30, 2008." and insert "**December 31, 2009.**".

Page 2, line 6, after "shall" insert ", **not later than January 1, 2010,**".

Page 2, line 30, after "on which the" insert "**judgment or**".

Page 4, after line 8, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) The bureau of motor vehicles shall, not later than June 30, 2008:**

(1) amend a form used on April 1, 2008, by an operator of a motor vehicle to show proof of financial responsibility as required under IC 9-26-1; or

(2) establish a new form;

for use by an operator of a motor vehicle to show proof of financial responsibility as required under IC 9-25-5-1.5, as added by this act.

(b) This SECTION expires December 31, 2008.

SECTION 7. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1036 as printed January 25, 2008.)

ULMER

C
O
P
Y

